

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DAVE BELLOT AND GERMAINE	§	
BELLOT,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. H-13-2014
	§	
WELLS FARGO BANK, N.A., AS	§	
TRUSTEE FOR PARK PLACE	§	
SECURITIES, INC. ASSET-BACKED	§	
PASS-THROUGH CERTIFICATES	§	
WHQ2-2004, OCWEN LOAN SERVICING	§	
LLC, ANGEL REYES & ASSOCIATES,	§	
P.C., AND JOHN DOES 1-1000,	§	
	§	
Defendants.	§	

ORDER

Pending before the Court in the above referenced action to prevent foreclosure on their property at 1801 Barbara Lane, Pasadena, Texas 77502, and asserting actions for trespass to try title, to quiet title, and violations of the Fair Debt Collection Practices Act, are Defendants' motion to dismiss (instrument #29) Plaintiffs' First Amended Verified Complaint and United States Magistrate Judge Frances Stacy's memorandum and recommendation (#35) that the Court grant the motion based on *res judicata* and failure to state a cognizable claim under Federal Rule of Civil Procedure 12(b)(6). Plaintiffs Dave Bellot and Germaine Bellot have not filed any objections to the memorandum and recommendation.

Standard of Review

Findings of the Magistrate Judge in a memorandum and recommendation to which no specific objections are made require the Court only to decide whether the memorandum and recommendation

is clearly erroneous or contrary to law. *Id.*, citing *U.S. v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). The district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C).

The Court, having reviewed the briefs, the Magistrate Judge's memorandum and recommendation, and the applicable law, finds the Magistrate has correctly summarized the law and applied it to the facts in this action. Accordingly, the Court

ADOPTS the Magistrate Judge's memorandum and recommendation as its own and

ORDERS that Defendants' motion to dismiss is GRANTED.
Final Judgment shall issue by separate order.

SIGNED at Houston, Texas, this 29th day of May, 2014.



MELINDA HARMON
UNITED STATES DISTRICT JUDGE